

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

2012 MAR 28 PM 3:01
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 2:12-cr-46-FEM-29SPC

CHAZ T. TIERNEY

26 U.S.C. §5861(d)
26 U.S.C. §5861(e)
26 U.S.C. §5861(f)
26 U.S.C. §5871
18 U.S.C. §2

INDICTMENT

The Grand Jury charges:

COUNT ONE

On or about February 6, 2012, in Collier County, in the Middle District of Florida, the defendant,

CHAZ T. TIERNEY,

did knowingly possess a Harrington and Richardson, Model 58 Topper, 20 gauge short barreled shotgun, serial number AH283310, said shotgun having a barrel length of less than eighteen inches in length as defined under Title 26, United States Code, Section 5845(a)(2) and (d), which was not registered to him in the National Firearms Registration and Transfer Record as required by Title 26, United States Code, Section 5841.

All in violation of Title 26, United States Code, Sections 5861(d) and 5871 and Title 18, United States Code, Section 2.

COUNT TWO

On or about February 6, 2012, in Collier County, in the Middle District of Florida, the defendant,

CHAZ T. TIERNEY,

knowingly and unlawfully transferred a firearm, a Harrington and Richardson, Model 58 Topper, 20 gauge short barreled shotgun, serial number AH283310, said shotgun having a barrel length of less than eighteen inches in length as defined under Title 26, United States Code, Section 5845(a)(2) and (d), which firearm was not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5841.

All in violation of Title 26, United States Code, Sections 5861(e) and 5871 and Title 18, United States Code, Section 2.

COUNT THREE

On or about February 21, 2012, in Collier County, in the Middle District of Florida, the defendant,

CHAZ T. TIERNEY,

did knowingly make one or more firearms, that is, destructive devices, as defined in Title 26, United States Code, Sections 5845(a) and (f), without having complied with the statutory requirements set forth in Title 26, United States Code, Section 5822; in violation of Title 26, United States Code, Sections 5861(f) and 5871 and Title 18, United States Code, Section 2.

COUNT FOUR

On or about February 21, 2012, in Collier County, in the Middle District of Florida, the defendant,

CHAZ T. TIERNEY,

knowingly and unlawfully transferred a firearm, namely, a destructive device, that was not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5841.

All in violation of Title 26, United States Code, Sections 5861(e) and 5871 and Title 18, United States Code, Section 2.

COUNT FIVE

On or about February 21, 2012, in Collier County, in the Middle District of Florida, the defendant,

CHAZ T. TIERNEY,

did knowingly possess a Savage, Model 95, 12 gauge, single shot, short barreled shotgun, said shotgun having a barrel length of less than eighteen inches in length as defined under Title 26, United States Code, Section 5845(a)(2) and (d), which was not registered to him in the National Firearms Registration and Transfer Record as required by Title 26, United States Code, Section 5841.

All in violation of Title 26, United States Code, Sections 5861(d) and 5871 and Title 18, United States Code, Section 2.

COUNT SIX

On or about February 21, 2012, in Collier County, in the Middle District of Florida, the defendant,

CHAZ T. TIERNEY,

knowingly and unlawfully transferred a firearm, a Savage, Model 95, 12 gauge, single shot, short barreled shotgun, said shotgun having a barrel length of less than eighteen inches in length as defined under Title 26, United States Code, Section 5845(a)(2) and (d), which firearm was not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5841.

All in violation of Title 26, United States Code, Sections 5861(e) and 5871 and Title 18, United States Code, Section 2.

FORFEITURE

1. The allegations contained in Counts One through Six of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 49, United States Code, Section 80303, Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461(c)
2. As a result of committing the offenses alleged in Counts One through Six of this Indictment, the defendant,

CHAZ T. TIERNEY,

shall forfeit to the United States pursuant to Title 26, United States Code, Section 5872, all firearms and ammunition involved in the commission of the offense, including, but not limited to:

- two (2) destructive devices;
- a Savage, Model 95, 12 gauge, single shot, short barreled shotgun;
- a Harrington and Richardson, Model 58 Topper, 20 gauge short barreled shotgun, serial number AH283310

3. From his engagement in any or all of the violations alleged in Counts One through Six of this Indictment, in violation of Title 26, United States Code, Sections 5861 and 5871, the defendant,

CHAZ T. TIERNEY,

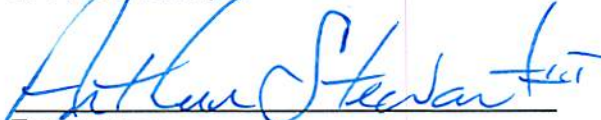
shall forfeit to the United States, pursuant to Title 49, United States Code, Section 80303 and Title 28, United States Code, Section 2461(c), all of his right, title, and interest in any property involved in such offenses.

4. If any of the property described above, as a result of any act or omission of the defendant:

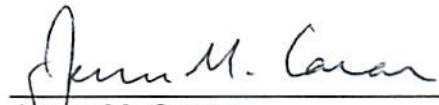
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided


without difficulty,
the United States of America shall be entitled to forfeiture of substitute property
under the provisions of Title 21, United States Code, Section 853(p), as
incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL,


Foreperson
3/28/12

ROBERT E. O'NEILL
United States Attorney

By: 
Jesus M. Casas
Assistant United States Attorney
Trial Counsel

By: 
Yolande G. Viacava
Assistant United States Attorney
Asset Forfeiture

By: 
Nicole H. Waid
Assistant United States Attorney
Chief, Fort Myers Division

UNITED STATES DISTRICT COURT

Middle District of Florida
Fort Myers Division

THE UNITED STATES OF AMERICA

vs.

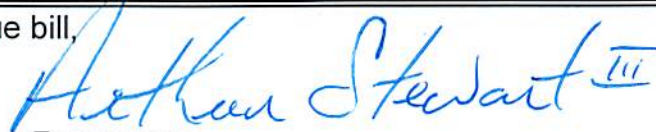
CHAZ T. TIERNEY

INDICTMENT

Violations:

26:5861(d)
26:5861(e)
26:5861(f)
26:5871
18:2

A true bill,


Foreperson

Filed in open court this 28th day
of March, 2012.

Clerk

Bail \$
